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David W. Proctor

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EXAMINER

KUMAR, ANIL N

ART UNIT

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2174

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,812	<b>Applicant(s)</b> PROCTOR ET AL.	
	<b>Examiner</b> ANIL N. KUMAR	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-17,19,20,23-31,33 and 35-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-17,19,20,23-31,33 and 35-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is in response to the RCE filed on June 26th, 2008. Claims (1-2, 4, 6-17, 19-20, 23-31, 33 and 35-49) are pending and have been considered below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-11, 16-17, 19-20, 23-31, 33, 35-39 and 41-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia et al. ("Adatia", US 2003/0112262 A1) Newman ET ("Newman", US 6,757,551 B1).

Claim 1: Adatia disclose, an integrated user interface mechanism for switching among at least two modes in a media device having a media screen for displaying data relating to media content, modes of operation of the media device including a first mode for interacting with the media device when the media content relates to music playback and a second mode for interacting with the media content when the media content relates to image content(i.e. ...providing a multi-sized user interface, separating a user interface into two control regions,

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providing a pop-out control panel, providing a graphical play list indicator...

paragraph [0004] and Figs. 1-2), comprising:

- at least one component movable between a first position corresponding to the first mode and a second position corresponding to the second mode (without the visual mode, first position Fig. 1 and after moving to visual mode, second position Fig. 3),
- wherein when said at least one component is physically moved to the first position, the media screen of the media device is substantially shielded from view (Fig. 1),
- wherein when said at least one component is physically moved to the first position, a portion of the media screen remains unshielded from view (Fig. 3),
- and wherein said at least one component comprises a plurality of user interface controls for interacting with the media content when said at least one component is physically moved to the first position (see the Slide-out panel in fig. 2)

but does not explicitly disclose a physical apparatus.

However, Newman discloses, an invention that provides a single unit called a personal communicator that combines multiple functions (Abstract) and further teach physically movable component (hinged cover 13, column 8 lines 22-43 and Fig.. 7) that teaches fist position (Fig. 7A) and second position (Fig. 2B) and further provides peripheral ports (17 in Fig. 7A) that can be used for music playback via audio jacks or ear phones. Therefore, it would have been obvious to

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one having ordinary skill in the art at the time to combine, Newman's teaching with Adatia, and deploy Adatia media player in a physical device, in order for the user to use a media player that is portable and versatile in its usefulness.

Claim 2: Adiatia disclose, wherein said image content of the second mode includes at least one of video content and image content (i.e. ... integrating the graphics into the unit facilitates the development of visual effects... This approach also enables the unit to apply special effects to the video display... paragraph [0061]).

Claim 4: Adiatia disclose, wherein the unshielded portion of the media screen displays at least one of metadata relating to music being rendered and advertising.(i.e. ... providing a graphical play list indicator... paragraph [0004]).

Claim 6: Adiatia disclose, wherein said plurality of user interface controls for interacting with the media content include at least one of Escape, Start, Options, More, OK, Back, Forward, Play, Pause, Up, Down, Fast Forward, Reverse, Skip Forward, Skip Backwards, Menu, Left, Right, Mute, Volume Up and Volume Down functional controls (see Figs. 1-2).

Claim 7: Adiatia disclose wherein said plurality of user interface controls is applicable to both the first and second modes (see Figs. 1-2).

Claim 8: Newman further disclose, wherein said at least one component is swappable with at least one alternate component (the computer module 4), wherein when said at least one alternate component is physically moved to the first position, the media screen of the media device is substantially shielded from view and a portion of the media screen remains unshielded from view, and wherein said at least one alternate component comprises a plurality of physical user interface controls for interacting with the media content when said at least one alternate component is physically moved to the first position (the computer module 4 (or unit 1) as shown docked in docking opening 21 into FIG. 7A can give the user a functionality that constitutes a laptop functionality, column 8 lines 22-43).

Claim 9: Newman further disclose, wherein said at least one alternate component exposes a different set of user interface controls than provided by said at least one component (Also display module 3 has means to accept text (or other information) being transmitted to the unit 1 via facsimile, columns 7/8 lines 61-4 and Fig. 3).

Claim 10: Adiatia disclose, wherein said at least one component is augmentable with at least one alternate component (Fig. 2).

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Claim 11: Adiatia disclose, wherein said at least one alternate component at least one of (A) exposes additional user interface controls not provided by said at least one component alone and (B) alters the functionality of said plurality of user interface controls (i.e. ... When the user pops this panel out, it reveals an additional set of hardware-like controls... paragraph [0032] and Fig. 2).

Claim 16: Newman further disclose, wherein the media device includes a synchronization component adapted to synchronize with a docking station whether said at least one component is in the first position or the second position (with the computer module 4 (or unit 1) as shown docked in docking opening 21, column 8 lines 23-43).

Claim 17: Newman further disclose, wherein the at least one component include a first component includes the media screen, at least one roller component and a second component, wherein said first component and said second component are pivotable about an axis substantially defined by the longitudinal axis of said at least one roller component, whereby with said at least one roller component, the media screen of the first component can be arbitrarily angled with respect to the second component (Fig. 7B), and whereby said at least one roller component includes at least one user interface control for interacting with the media content when said at least one component is physically moved to the first position, wherein the at least one user interface control operates by at least one of (A)

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turning the at least one roller component substantially about a longitudinal axis of said at least one roller component, (B) sliding the at least one roller component substantially along the longitudinal axis and (C) receiving a selection of a button control on an end of the at least one roller component (The housing 15 contains a dock port or opening 16 in which unit 1 or core computer module 4 will fit when used with folio 11, column 8 lines 23-43 and Fig. 7B).

Claim 19: Newman further discloses, wherein the at least one component include a wallet structure wherein the media screen is inside the wallet structure, such that the wallet structure is in the first position when the wallet structure is closed and the wallet structure is in the second position when the wallet structure is open (Fig. 7B).

Claim 20 is similar in scope to claim 1, and therefore rejected under similar rationale. Newman further teach, two components mounted on the opposite sides of the body (See Core 4, and components 3 and 2, in Fig. 2) and the physical user interface controls on the component (keypad 7 in component 2 in Fig. 2)

Claim 23: Newman further disclose, wherein at least one of (1) a wing of the at least one wing is interchangeable with an alternate wing, wherein the alternate wing provides alternate functionality and (2) the functionality provided by a wing of the at least one wing is augmentable with a sleeve, wherein the sleeve



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provides alternate functionality(an accessory such as a member selected from the group consisting of radio, television, video camera, still camera, or mixtures thereof may be used in or integral with at least one of modules 2, 3, or 4, column 7 lines 9-57 and Fig. 2).

Claim 24 is similar in scope to claim 23, and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 17, and therefore rejected under similar rationale.

Claim 26: Newman further disclose, wherein said at least one wing comprises two wings that slide outward from the media screen to reveal the media screen in the open position, and wherein the two wings operate as a stand for the portable media player (Fig. 5)

Claim 27 is similar in scope to claim 16, and therefore rejected under similar rationale.

Claim 28 is similar in combination to claims 1 and 8, and therefore rejected under similar rationale.

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Claim 29 is similar in scope to claim 28, and therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 1, and therefore rejected under similar rationale.

Claim 31 is similar in scope to claim 2, and therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 4, and therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 6, and therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 8, and therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 9, and therefore rejected under similar rationale.

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Claim 38 is similar in scope to claim 10, and therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 11, and therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 16, and therefore rejected under similar rationale.

Claim 42 is similar in scope to claim 17, and therefore rejected under similar rationale.

Claim 43 is similar in scope to claim 17, and therefore rejected under similar rationale.

Claim 44 is similar in scope to claim 17, and therefore rejected under similar rationale.

Claim 45 is similar in scope to claim 19, and therefore rejected under similar rationale.

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Claim 46: Adiatia disclose, computing device and computer readable medium comprising computer executable modules (i.e. ... It runs as an application on a computer running an operating system such as Windows or Linux... paragraph [0028]).

Claim 47 is similar in scope to claim 30, and therefore rejected under similar rationale. Furthermore, Newman teach, a communication device (Abstract).

Claim 48 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Adiatia teach, computer readable storage medium (runs as an application on a computer, paragraph [0028]).

Claim 49 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Newman teach, a communication device (Abstract).

Claims 12-15 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia et al. ("Adatia", US 2003/0112262 A1) Newman ET ("Newman", US 6,757,551 B1) and in further view of Chadha (US 7,149,557 B2).

Claim 12: Adiatia and Newman either singularly or in combination do not explicitly disclose, wherein said at least one component includes a first

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component, wherein the first component substantially surrounds an end of the media device, such that when the first component is moved substantially towards the middle of the media device from the end, the media screen of the media device is substantially shielded and said at least one component is located at the first position. However, Chadha disclose, A mobile communication device includes a display assembly that is movable (Abstract) and further disclose, the screen being moved between 2 components such that it is substantially shielded (FIGS. 12 though 15 illustrate an embodiment of the mobile communication device 200 wherein the display assembly 204 pivots or rotates between the retracted position and an intermediate position, column 7 lines 17-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time to combine, Chadha's feature of shielding the screen in modified Adiatia, in order to provide the user an option to shield the screen when not using the video or text mode.

Claim 13 is similar in scope to claim 12, and therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 12, and therefore rejected under similar rationale.

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Claim 15 is similar in scope to claim 12, and therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 12, and therefore rejected under similar rationale.

### ***Response to Arguments***

3. Applicant's arguments filed on June 26th, 2008 have been fully considered but they were found not persuasive.

- A. Applicant argues, "because Adatia's user interface only provides "virtual" buttons and controls, Adatia cannot be said to teach "a plurality of physical user interface controls" as recited in claim 1." The Examiner agrees but maintains the rejection, and points out; this is moot in view of new rejection.
- B. Applicant argues, "Ejima in fact does not allow operation of the camera as a phone when the cover 14 is closed. Furthermore, even if Ejima did allow operation of the device as a telephone with the cover 41 closed, a telephone operation is not the equivalent of a music playback operation and thus still does not meet the recited claim language". The Examiner maintains the rejection, and points out, this is moot in view of new rejection.

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- C. Applicant argues, "Ditzik does not teach or suggest that, upon closing the notebook or PDA, the notebook or PDA operates according to "a first mode for interacting with the media device when the media content relates to music playback.". The Examiner maintains the rejection, and points out; this is moot in view of new rejection.
- D. Applicant argues, "Narayanaswami's attachment apparatus does not have an audio mode or any function that can be equated with a "first mode for interacting with the media device when the media content relates to music playback" as recited in claim 1. Furthermore, Narayanaswami does not teach or suggest any means for shielding a display or any physical user interface controls for interacting with media content when the display is shielded". The Examiner maintains the rejection, and points out; this is moot in view of new rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

/Stephen S. Hong/

Supervisory Patent Examiner, Art

Unit 2178

9/12/2008